



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Eiichi SAKAUE et al.
Title: IMAGE PROCESSING
APPARATUS AND IMAGE
PROCESSING SYSTEM
Appl. No.: 09/749,602
Filing Date: 12/28/2000
Examiner: Jerome GRANT II
Art Unit: 2626

**LETTER
(UNDER A GENERAL OBLIGATION OF CANDOR AND GOOD FAITH
IN PRACTICE BEFORE THE OFFICE)**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicants hereby respectfully request that the Patent Office recalculate the Patent Term Adjustment. It is believed that the Patent Term Adjustment should be 772 days.

- Notice to file Missing Parts was issued on March 26, 2001.
- Missing Parts were filed on July 26, 2001, which was 30 days after the three-month date of the Notice. However, the entry of the application completion date of July 26, 2001 seems to have been omitted in PAIR. The Applicant days should be 30 days for the delay in filing the missing parts.
- The 14-month date from application filing date is February 28, 2002.
- The first PTO action was dated July 30, 2004, which resulted in 883 PTO days.
- Applicants filed a response to PTO action on January 28, 2005, which resulted in 90 Applicant Days.
- The PTO issued a Notice of Allowance on June 6, 2005, which resulted in 9 PTO days.

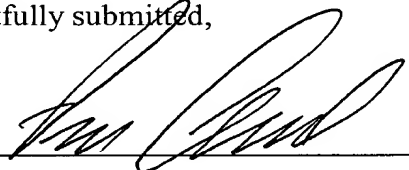
Therefore, total PTO days are 892 and total Applicant days are 120 which resulted in patent term adjustment days of 772.

This letter is being filed consistent with the general obligation of candor and good faith in practice before the Office and pursuant to the PTO's response to Comment 43 of the Final Rule RIN 0651-AB06 published in the Federal Register, Vol. 65, No. 181, on September 18, 2000, which states as follows:

"In order to comply with this duty and where the correct adjustment is thought to be less than indicated by the Office, an application for term adjustment under § 1.705(b) need not be filed. Instead, a letter could be filed with the issue fee payment, indicating that the term adjustment is thought to be longer than appropriate."

Respectfully submitted,

Date AUG 23 2005

By 

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